

AMENDED IN SENATE SEPTEMBER 1, 2009

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 513

Introduced by Assembly Member De Leon

(Coauthors: Assembly Members Brownley, Buchanan, Carter, Evans, Fuentes, Furutani, Lieu, Bonnie Lowenthal, Ma, Salas, and Skinner)

(Coauthors: Senators Alquist, Leno, and Pavley)

February 24, 2009

An act to add Section 1367.625 to the Health and Safety Code, and to add Section 10123.875 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

AB 513, as amended, De Leon. Health care coverage: breast-feeding.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act), provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, health care service plans and health insurers are required to offer specified types of coverage as part of their health care service plan contracts or health insurance policies. Existing law imposes specified requirements upon a health care service plan contract or health insurance policy that provides maternity coverage.

This bill would require specified health care service plans and health insurers to include coverage for lactation consultation and ~~for the provision or~~ rental of *specified types of* breast pumps, as defined, as part of their health care service plan contracts or health insurance policies that provide maternity coverage.

Because this bill would specify additional requirements under the Knox-Keene Act, the willful violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Breast-feeding significantly reduces children's risk for
- 3 chronic diseases, such as diabetes, asthma, allergies, and infections
- 4 in the gastrointestinal, urinary, and respiratory tracts. Breast-fed
- 5 children have fewer visits to the doctor's office, fewer days of
- 6 hospitalization, and take fewer medications than children who
- 7 were formula-fed. Research provides strong evidence that
- 8 breast-feeding decreases the incidence or severity of diarrhea,
- 9 lower respiratory infection, otitis media, bacteremia, bacterial
- 10 meningitis, botulism, and necrotizing enterocolitis. There are a
- 11 number of studies that show a possible protective effect of
- 12 exclusive breast-feeding against sudden infant death syndrome
- 13 (SIDS), insulin-dependent diabetes mellitus, Crohn's disease,
- 14 ulcerative colitis, lymphoma, allergic diseases, and other chronic
- 15 digestive diseases. Breast-feeding has also been related to possible
- 16 enhancement of cognitive development and a decreased chance
- 17 of obesity in childhood and adulthood. Studies show that
- 18 breast-feeding also reduces the mother's risk for type 2 diabetes
- 19 and breast and ovarian cancers.
- 20 (b) All major health organizations recommend that babies get
- 21 no other food or drink besides breast milk for the first six months
- 22 of their life, with continued breast-feeding for at least the first one

1 to two years of life, as long as it is mutually desired. Exclusive
2 breast-feeding for three months has been shown to reduce health
3 care costs for infants in the first year of life alone by up to four
4 hundred seventy-five dollars (\$475), compared to nonbreast-fed
5 infants.

6 (c) Lactation consultation provided by an international board
7 certified lactation consultant (IBCLC) has been shown to help
8 women address the difficulties with breast-feeding and can assist
9 with the initiation and continuance of breast-feeding.

10 (d) Therefore, it is essential to clarify that all health coverage
11 made available to California consumers that provides maternity
12 coverage, whether issued by health care service plans regulated
13 by the Department of Managed Health Care or by health insurers
14 regulated by the Department of Insurance, shall include coverage
15 for lactation consultation by an international board certified
16 lactation consultant (IBCLC) and ~~coverage for the rental of breast~~
17 ~~pumps~~ *the provision of a personal electric or personal manual*
18 *breast pump or coverage for the rental of a hospital grade electric*
19 *breast pump.*

20 SEC. 2. Section 1367.625 is added to the Health and Safety
21 Code, to read:

22 1367.625. (a) Every health care service plan contract, ~~except~~
23 ~~a specialized health care service plan contract,~~ that provides
24 maternity coverage, and that is issued, amended, renewed, or
25 delivered on or after January 1, 2010, shall provide coverage for
26 lactation consultation with an international board certified lactation
27 consultant (IBCLC) and ~~for the rental of breast pumps~~ *the provision*
28 *of a personal electric or personal manual breast pump or coverage*
29 *for the rental of a hospital grade electric breast pump.*

30 (b) For the purposes of this section, “breast pump” means an
31 FDA-approved reusable breast pump that is considered to be
32 durable medical equipment, and meets state or federal quality
33 standards for durable medical equipment.

34 ~~(e) This section shall not apply to specialized health care service~~
35 ~~plans, Medicare supplement, short-term limited duration health~~
36 ~~insurance, CHAMPUS supplement insurance, TRI-CARE~~
37 ~~supplement, or to hospital indemnity, accident-only, or specified~~
38 ~~disease plans.~~

39 (c) *This section shall not apply to any of the following:*

40 (1) *Specialized health care service plans.*

1 (2) *Medicare supplement plans.*

2 (3) *Short-term limited duration health insurance, except when*
3 *specifically for coverage during pregnancy or a postpartum period*
4 *or both.*

5 (4) *CHAMPUS-supplement plans.*

6 (5) *TRI-CARE supplement plans.*

7 (6) *Hospital indemnity, accident-only, or specified disease plans.*

8 SEC. 3. Section 10123.875 is added to the Insurance Code, to
9 read:

10 10123.875. (a) Every policy of health insurance that provides
11 maternity coverage, and that is issued, amended, renewed, or
12 delivered on or after January 1, 2010, shall provide coverage for
13 lactation consultation with an international board certified lactation
14 consultant (IBCLC) and ~~for the rental of breast pumps~~ *the provision*
15 *of a personal electric or personal manual breast pump or coverage*
16 *for the rental of a hospital grade electric breast pump.*

17 (b) For the purposes of this section, “breast pump” means an
18 FDA-approved reusable breast pump that is considered to be
19 durable medical equipment, and meets state or federal quality
20 standards for durable medical equipment.

21 ~~(c) This section shall not apply to specialized health insurance,~~
22 ~~Medicare supplement, short-term limited duration health insurance,~~
23 ~~CHAMPUS-supplement insurance, TRI-CARE supplement, or to~~
24 ~~hospital indemnity, accident-only, or specified disease insurance.~~

25 (c) *This section shall not apply to any of the following:*

26 (1) *Specialized health insurance.*

27 (2) *Medicare supplement insurance.*

28 (3) *Short-term limited duration health insurance, except when*
29 *specifically for coverage during pregnancy or a postpartum period*
30 *or both.*

31 (4) *CHAMPUS-supplement insurance.*

32 (5) *TRI-CARE supplement insurance.*

33 (6) *Hospital indemnity, accident-only, or specified disease*
34 *insurance.*

35 SEC. 4. Section 1367.625 of the Health and Safety Code and
36 Section 10123.875 of the Insurance Code, as added by this act,
37 shall not be construed to affect any other requirement to provide
38 breast pumps or lactation consultation in the Medi-Cal, Healthy
39 Families, or Access for Infants and Mothers programs.

1 ~~SEC. 4.~~

2 *SEC. 5.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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